

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOHN JOSEPH FORJONE,  
SAMANTHA MARIE FORJONE, et al.,

Plaintiffs,

v.

ORDER  
05-CV-395A

MICHAEL O. LEAVITT, et al.,

Defendants.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 30, 2008, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendants' motions to dismiss be granted, that the complaint be dismissed in its entirety, and that the motion for a default judgment be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendants' motions to dismiss are granted, the complaint is dismissed in its entirety, and the motion for a default judgment is denied.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: May 22 , 2008